

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 29 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARVIN QUEMADO, Jr.,

Defendant - Appellant.

No. 07-10521

D.C. No. CR-06-00395-DAE

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Hawaii
David A. Ezra, District Judge, Presiding

Submitted December 17, 2008^{**}

Before: GOODWIN, TROTT and RYMER, Circuit Judges.

Marvin Quemado, Jr. appeals from his guilty-plea conviction and 166-month sentence for conspiracy to obstruct interstate commerce by robbery, in violation of

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

18 U.S.C. § 1951, obstructing interstate commerce by robbery, in violation of 18 U.S.C. §§ 2 and 1951, and using, carrying and discharging a firearm in relation to the robbery, in violation of 18 U.S.C. §§ 2 and 924(c)(1)(A) . Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Quemado's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided the appellant the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no arguable grounds for relief on direct appeal.

Accordingly, counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.